

1 POLICY STATEMENT

The purpose of this policy is to provide consistent guidelines for the raising of flags, display of banners, and erection of flagpoles on **Council owned or managed land** in Fairfield City.

2 PRINCIPLES

The underlying principles that form this policy are:

- a) to foster an appreciation of the cultural and ethnic diversity of our community,
- b) to encourage the residents in our community to represent their diversity, and
- c) to ensure that the representation of their cultural and ethnic diversity will not compromise the social, physical or emotional well-being of other individuals or community groups.

3 OBJECTIVES

The objectives of this policy are:

- a) to identify the basis upon which Council will allow the raising of flags, display of banners, and the erection of flagpoles on Council owned or managed land within Fairfield City,
- b) to provide guidance with respect to two broad categories:
 - i. those in response to requests from the public; and
 - ii. those as an expression of Council's governance responsibilities.
- c) to provide consistent direction to staff responsible for the assessment of Development Applications, Local Activity Applications and requests from the public,
- d) to highlight Council's authority to chose not to grant a request for raising flags or displaying banners that may lead to political conflict,
- e) to emphasise that Council does not imply nor express support for the politics of a nation or group whose flag or banner is being displayed.

4 POLICY CONTEXT

4.1 Background

Community groups and event organisers have approached Council in the past, seeking permission to display flags or banners on public land. On occasions whereby the act of raising a flag or banner has sparked a conflict of interest between community groups, Council has been faced with the task of dealing with the differences in public opinion and the resulting media attention.

4.2 Outline of broad parameters

Flags and banners by their nature as symbols or representations of certain groups can provoke emotive and subjective responses. To achieve a fair and equitable outcome for everyone in the community, Council produced this policy by establishing broad guidelines. The guidelines place emphasis primarily on granting permission:

- for the raising of recognised flags to be flown alongside official Australian flags, only on a temporary basis;
- for the display of banners, only on a temporary basis, and *only* if they do not cause social problems or conflict of interests between community groups.

4.3 Why a policy is required

The policy provides guidance to Council when considering requests from the public, and gives Council the authority to choose not to grant requests where there is a chance that by granting a request it may lead to social or political problems.

4.4 The social impact of this policy

It is anticipated that this policy will balance social cohesion and the desire for communities to seek out representations of their own diversity. Such matters as those set out in this policy can stir an emotive reaction from community groups, however the intention of the policy is to raise an understanding that if one group's form of representation negatively affects the social, physical or emotional well-being of the wider community, then that form of representation would not be considered appropriate on public land.

5 STRATEGIES

Administration

Council will maintain a record of all flag and banner activities. If Council receives more than one proposal for a flagpole site, priority for the site will be given in the following order:

- Council sponsored events.
- Major public events.
- Community events.

Organisers of periodical events are encouraged to submit proposals for flagpole sites in advance, so that their respective locations are promoted consistently.

5.1 Requests from the Public

Council acknowledges that the community may seek to raise flags, display banners or in some instances erect flagpoles to signify public or private events, celebrate special occasions, commemorate past events or represent the community. Prior to Council granting permission the applicant is required to demonstrate compliance with all of the guidelines contained in this policy.

5.1.1 What Type of Approval is Required?

To identify the type of approval you need for raising a flag, displaying a banner or erecting a flagpole, follow the chart in Attachment A, or go to:

- Section 5.1.3 – Raising Recognised Flags.
- Section 5.1.4 – Display of Banners.
- Section 5.1.5 – Erection of Flagpoles.

Pursuant to Section 23 of the *NSW Environmental Planning And Assessment Act 1979*, Council and the Manager of Development Planning under delegated authority are responsible for delivering the final determination of the application.

5.1.2 The Approvals Process

- The applicant must establish the type of Council approval that is required and prepare an application or letter accordingly (see Attachment A).
- Upon receipt of the application, Council will notify affected persons (adjoining and nearby land owners) and place the application on public notification in the local newspaper for 14-days.
- Council may refer the application or letter to the NSW Department of Foreign Affairs and Trade or to any other relevant government authorities.
- In certain circumstances, an application might be referred to the Outcomes Committee or to the full Council meeting for a final decision.
- When it is deemed satisfactory that the proposal is appropriate, the applicant will be notified by telephone and in writing.
- Once approval has been granted, the applicant should contact Council at least three (3) weeks before the proposed date of display, for advice on installation and maintenance.
- The applicant must comply with all of the guidelines contained in this policy, the controls imposed by Council or the conditions of consent (if imposed).

5.1.3 Raising Recognised Flags

Council encourages the community to utilise flagpole sites for raising recognised flags, particularly for events, festivals and important occasions. Flags that can be raised for community purposes include:

- the Australian National flag,
- the NSW State flag,
- the Fairfield City flag, and
- any other recognised flags.

What Type of Approval is Required?

- ❑ If you are proposing to raise a flag on an existing flagpole but are not conducting a public event, you are required to submit a letter to Council requesting to raise a flag, four (4) weeks prior to the proposed display date (contact Council staff for a copy of the Information Checklist).
- ❑ If you are proposing to raise a flag on an existing flagpole, and conduct a public event at the same time, you are required to submit a Local Activity Application at least eight (8) weeks prior to the event.

When proposing to raise flags, the following guidelines shall be followed:

- Council will only grant permission for the raising of *recognised flags*.
- Council will only grant permission for flags to be raised temporarily: no earlier than three (3) weeks prior to the event; and for a maximum of twenty-eight (28) days.
- Council may not grant permission to proposals for flags whose nations are undergoing political conflict at the time of the proposal.
- The Australian National flag shall accompany the flag of another nation at all times. Where possible, other flags that should accompany the National flag are the NSW State flag and the Fairfield City flag.
- Banners (excluding banners relating to community festivals held by Local, State or Federal Governments or the like) shall not be raised alongside flags.
- Pennants (excluding pennants symbolising professional associations, clubs, societies, institutions or Local, State and Federal Governments) shall not be raised alongside flags.
- To establish the standard protocols that apply, the applicant should refer to the *Emblem Book of the State of NSW – Showing the Flag* (2002), which can be downloaded from the NSW Premier's Department website (www.premiers.nsw.gov.au).

5.1.4 Display of Banners

Council encourages the community to utilise flagpole sites to display banners. Banners that can be displayed for community purposes include those that:

- publicise public events,
- promote funding activities,
- convey information about cultural, community, sporting, recreational or tourist events, festivals and major activities.

What Type of Approval is Required?

- ☐ If you are proposing to display a banner on an existing flagpole, but are not conducting a public event, you are required to submit a letter to Council requesting to display a banner, four (4) weeks prior to the proposed display date (contact Council staff for a copy of the Information Checklist).
- ☐ If you are proposing to display a banner on an existing flagpole, and conduct a public event at the same time, you are required to submit a Local Activity Application at least ten (10) weeks prior to the event.

Guidelines

When proposing to display banners, the following guidelines shall be followed:

- Council will only grant permission for banners to be displayed temporarily: no earlier than three (3) weeks prior to the event; and for a maximum of twenty-eight (28) days.
- Flags may be raised alongside banners that relate to community festivals held by Local, State or Federal Governments or the like, but only if they meet the guidelines for raising recognised flags (see Section 5.1.3).
- Pennants may be raised alongside banners.
- Banners relating to events of a political, religious, marginal or controversial nature will not be allowed, if in the opinion of Council, they alienate, discriminate, vilify, incite hatred of other community groups, or if they lead to social problems.

- Banners must not portray material that Council considers inappropriate or offensive to the wider community or to any smaller community groups.
- The advertising slogan or organisational logo of major sponsors is permitted to occupy a maximum of 20% of the total banner area.

5.1.5 Erection of Flagpoles

Council does not encourage the community to identify sites located on Council owned or managed land for new flagpole sites, however Council will consider requests depending on the circumstances, and may or may not resolve to support new flagpole sites.

What Type of Approval is Required?

- ❑ If you are proposing a flagpole location that complies with all of the Flagpole requirements in Development Control Plan No. 29 – Exempt and Complying Development (see Attachment B) you will require Council's written permission.
- ❑ If you are proposing a flagpole location that does not comply with all of the Flagpole requirements in Development Control Plan No. 29 – Exempt and Complying Development you are required to seek Council's written permission and are also required to submit a Development Application.
- ❑ If you are proposing to erect a flagpole, display a flag or banner, *and* conduct a public event you are required to submit both a Development Application and a Local Activity Application no later than ten (10) weeks prior to the proposed date of the event.

Guidelines

If Council supports a new flagpole site, the following guidelines shall be followed:

- Flagpoles must not exceed a height of 8 metres above the natural ground level.
- Where two or more flagpoles are proposed, the distance between the flagpoles should be a minimum of 1.8 metres.

- Where two or more flagpoles are proposed in close proximity, the height of all of the flagpoles shall be equal.
- The location of the flagpoles shall be appropriate in the context of the surrounding area and shall not interfere with trees, vegetation, overhead lines and cables, vehicle manoeuvring areas, pedestrian access areas, easements or public thoroughfares.

5.1.6 Additional Information

Submitting Applications

To allow for sufficient time for public notification and assessment, applicants are advised that Development Applications and Local Activity Applications should be submitted at least ten (10) weeks prior to the proposed display date. Letters requesting Council's permission for raising a flag or displaying a banner should be submitted at least four (4) weeks prior to the proposed display date.

Certificate of Currency

The applicant shall provide Council with a Certificate of Currency to indemnify Council for any occurrence arising from the erection, presence or removal of flags, banners and flagpoles. The certificate must show: Public Liability for \$10 million, and Interested Party as being Fairfield City Council.

5.2 Council's Governance responsibilities

Council may seek to raise flags, display banners or erect flagpoles when coordinating public events, celebrating special occasions, commemorating past events, or for undertaking activities associated with the operations of the Council. This section provides the guidelines that Council is required to follow.

Raising flags or displaying banners as part of Council's governance responsibilities does not require a formal application to be made, unless Council staff are coordinating a public event, in which case a Local Activity Application may be required. Nevertheless, the details of all flag and banner activities shall be documented in the appropriate Council files.

5.2.1 Raising Recognised Flags

Council recognises the significance of certain flags associated with its governance responsibilities, and aims to utilise flagpole sites across Fairfield City to fly certain flags, especially on important occasions.

Flags that can be raised for governance purposes include:

- the Australian National flag,
- the NSW State flag,
- the Fairfield City flag, and
- any other recognised national flags.

When raising flags, the guidelines under Section 5.1.3 shall be followed.

5.2.2 Display of Banners

Fairfield City Council recognises the value of banners in the public domain, and aims to utilise flagpole sites across Fairfield City for displaying banners that convey information to the community. Banners that may be displayed for governance purposes include those that:

- publicise Council activities,
- promote funding activities,
- convey information about cultural, community, sporting, recreational or tourist events, festivals and major activities.

When displaying banners, the guidelines under Section 5.1.4 shall be followed.

5.2.3 Erection of Flagpoles

Council may identify locations that are appropriate for new flagpole sites, whether they be for use by the community or for Council related activities.

When identifying and proposing new flagpole sites, the guidelines under Section 5.1.5 shall be followed.

5.2.4 Calender of Events

The calendar of flag events listed below should be followed where possible:

Date	Event
January 26	Australia Day
April 25	ANZAC Day
July (nominated week)	NAIDOC (National Aboriginal and Islander Day of Celebration) week
October 24	United Nations Day (the United Nations flag should be flown)
November 11	Remembrance Day

5.3 Maintenance and Monitoring

Council's Building Trades Department is responsible for installing, erecting and maintaining flags, banners and flagpole sites on Council owned or managed land. Once approval has been granted, the applicant should contact Council at least three (3) weeks before the proposed date of display, for advice on installation and maintenance.

Council will also be responsible for monitoring the flags or banners while they are being displayed. If a flag or banner suffers damage that renders it unsuitable for display, Council will remove the flag or banner and notify the owner as soon as practicable, otherwise the flag or banner will be removed on the date as agreed upon by Council and the applicant. Council will not be held liable for any loss or damage and will not bear any ongoing costs associated with the flags or banners.

Council reserves the right to relocate or remove flags or banners at any time, in the interest of streetscape requirements or logistical issues, or in the event that the flags or banners cause social problems.

5.4 Offensive Displays

Banners displaying offensive material will be referred to the NSW Police who will take formal action against the individual, group or organisation displaying the banner. Banners that are considered to be offensive may include those that:

- discriminate, vilify or incite hatred of other community groups,
- depict symbols that may cause social conflict, and
- display pornographic images, symbols or obscene words and slogans.

5.5 Dictionary

Banner means a cloth bearing a design, logo, slogan or symbol (but does not include recognised flags, or recognised flags of former governments).

Council's Governance Responsibility means the assumed responsibility that Council has for coordinating events, celebrating special occasions, and for carrying out of tasks associated with the daily operations of the Council.

Flagpole means a pole erected for the purpose of displaying flags and banners, and includes any other structure (such as a light pole) that Council considers suitable for the display of flags and banners.

Pennant means a long, tapering, triangular flag that symbolises professional associations, clubs, societies or institutions (but does not include recognised flags, or recognised flags of former governments).

Recognised flag means a national, state or local flag that is officially recognised as the flag of the current government (but does not include recognised flags of former governments).

6 RELEVANT LEGISLATION

This policy has been formulated in accordance with the Commonwealth Flags Act 1953, and the protocols established by the NSW Premier's Department publication *Emblem Book of the State of New South Wales – Showing the Flag* (2002). Proponents will also need to refer to the provisions of the Environmental Planning and Assessment Act 1979 where a Development Application or Local Activity Application is required.

7 RELATED POLICIES

This policy will be implemented in conjunction with Development Control Plan No. 29 – Exempt and Complying Development, and the NSW Premier’s Department *Emblem Book of the State of New South Wales – Showing the Flag* (2002).

8 REVIEW DATE

Council will review this policy every three years or as required, to ensure that the policy is in concurrence with NSW State and Federal standards and social and community needs.

9 AUTHORISATION

This policy was adopted by Council on 10 May 2005 and came into force on 10 May 2005.

10 FURTHER INFORMATION

For further information regarding this policy, contact Council’s Environmental Standards Department on (02) 9725 0222, or City Outcomes Department on (02) 9725 0850.

For more information in relation to the background of this policy, refer to Item 41 of the Outcomes Committee Report dated 10 May 2005.

11 REFERENCES

Premier’s Department of NSW, 2002
Emblem Book of the State of NSW – Showing the Flag

Websites

Australia Day Council of NSW, February 2005
<http://www.australiaday.com.au>

Australian National Flag Association, February 2005
<http://www.australianflag.org.au>

It’s An Honour, February 2005
<http://www.itsanhonour.gov.au>

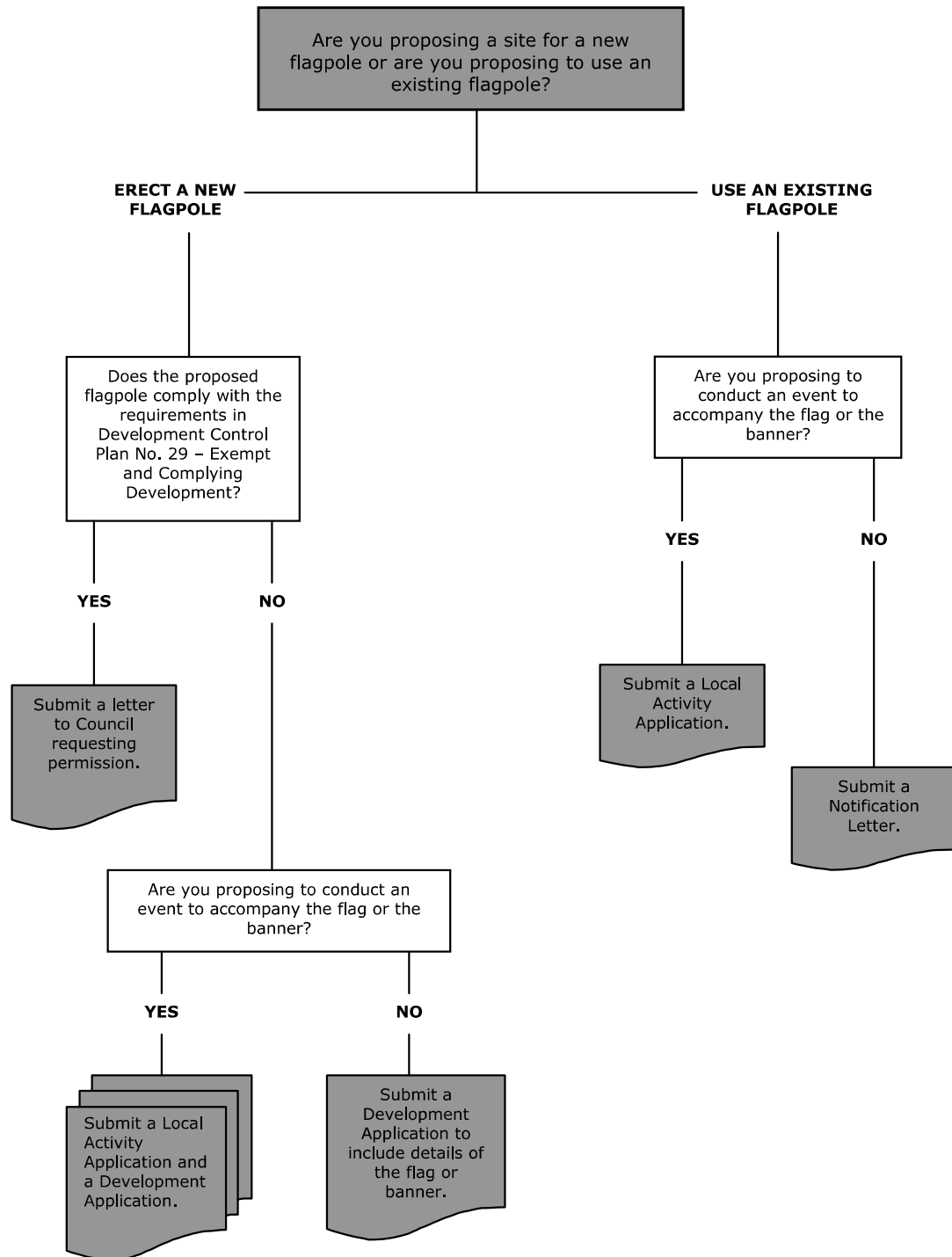
Flags Act 1953 (Commonwealth), February 2005
<http://www.austlii.edu.au>

NSW Premier's Department, February 2005
<http://www.premiers.nsw.gov.au>

World Flag Database, February 2005
<http://www.flags.net/index.php?internal=true>

ATTACHMENT A

What Type of Approval is Required?



ATTACHMENT B

Exempt and Complying Development Requirements

The following is extracted from Council's Development Control Plan No. 29 – Exempt and Complying Development (page 11).

DEVELOPMENT TYPE	EXEMPTION REQUIREMENTS (If construction does not fit the controls listed, a Development Application is required)
Flagpoles	<ul style="list-style-type: none"> <input type="checkbox"/> No more than one per property <input type="checkbox"/> Does not interfere with vehicle maneuvering or pedestrian access <input type="checkbox"/> Does not encroach on easements or public thoroughfares <input type="checkbox"/> Setback minimum 2 metres from side boundaries <input type="checkbox"/> Maximum height 6 metres above ground level <input type="checkbox"/> Must be structurally adequate <input type="checkbox"/> Without floodlighting <input type="checkbox"/> Ropes, pulleys and stays to be secured so as not to cause a noise nuisance <input type="checkbox"/> Flagpoles for advertising purposes require an approval of Council pursuant to the Environmental Planning and Assessment Act 1979